

Weisberg Law, P.C.
also t/a Consumer Justice Alliance
Attorneys at Law

7 South Morton Avenue
Morton, Pennsylvania 19070
Ph: 610.690.0801
Fax: 610.690.0880

Philadelphia County, Pennsylvania
1500 Walnut St., Ste. 1100
Philadelphia, PA 19102

Camden County, New Jersey
Two Aquarium Dr., Ste. 200
Camden, NJ 08103

*Matthew B. Weisberg***
Graham F. Baird^
Robert P. Cocco~+

*NJ & PA Office Manager
^Licensed in PA & NJ
~Licensed in PA
+Of Counsel

Web-Site: www.weisberglawoffices.com
E-Mail: mweisberg@weisberglawoffices.com

Wednesday, April 06, 2011

Via Fax (267) 299-5061 & ECF
Magistrate Judge Elizabeth T. Hey

RE: Jerry Davis v. Lowes Companies, Inc.
No.: 09-5367

Your Honor:

Kindly accept this, plaintiff's request for a teleconference regarding a discovery dispute whereat we will request this Honorable Court enter an order compelling defendant, Due Blades' production of the subject product within the Eastern District of Pennsylvania (or, alternatively, defendant's admission that the product previously produced does not differ with regards to the mechanism of injury as to the subject product):

As this Honorable Court may be aware (via Your Honor's granting a discovery deadline enlargement), at plaintiff's deposition the product there produced was identified by plaintiff as similar though not the specific product causing his injury. Since then, plaintiff has requested above defendant produce the subject product within the Eastern District of Pennsylvania (or, alternatively, admit that the product complained of does not materially differ from the aforesaid product produced). Defendant has not responded to plaintiff's requests. Instead, defendant has apparently subpoenaed for inspection the subject product well outside this jurisdiction (via a believed irregular subpoena).

Simply, plaintiff does not understand why the manufacturer of a product – defendant – cannot produce its own product within the Eastern District (or admit the foregoing, mooted the necessity for a second inspection). Said defendant has opposed co-defendant's pending motion for summary judgment essentially claiming discovery is not complete but, frankly, does not appear endeavoring towards that end.

Thank you for this Honorable Court's request for a brief teleconference regarding this discovery dispute. While defendant has not been forthcoming, plaintiff believes Your Honor's intervention would enable this dispute to be resolved without unnecessary discovery litigation.

Respectfully submitted

WEISBERG LAW, P.C.

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiff

MBW/hcm

cc: Daniel D. Krebbs, Esq.
Ronald Reitz, Esq.
Donald M. Davis, Esq.
(Via ECF)